

Remarks

In the outstanding office action, the Examiner has required the election of a single invention to which the claims must be restricted. More particularly, the Examiner required applicants to select from a product comprising the cis-9,trans-11 isomer of CLA (Group I – claims 13-17 and 23-25); and a method of using the cis-9,trans-11 isomer of CLA (Group II – claims 18-22). In addition if Group II were to be elected, the Examiner also required election of species with regard to the technical grade of the cis-9,trans-11 isomer of CLA (technical grade recited in either claim 19 or claim 20), and the route of administration from those disclosed in claim 21.

Although applicants do not necessarily agree with the statements made by the Examiner in the office action, applicants are making, without traverse, the following election:

Group I, claims 13-17 and 23-25, drawn to a product comprising the cis-9,trans-11 isomer of CLA.

Since Group I was elected, no species election is required.

The undersigned respectfully submits that the response presented herein comprises a full and complete response to the Examiner's requirement for restriction as set forth in the office action mailed July 9, 2009.

In view of the above, it is believed that the present application is now in condition for allowance and early notice thereof is respectfully solicited.

If the Examiner has any questions concerning this response, invitation is respectfully made to contact the undersigned by telephone at the number indicated below.

If any additional fees are required to further the prosecution of this application, the Office is authorized to charge such fees to Deposit Account No. 50-1943.

Respectfully submitted,

August 6, 2009

/Robert N. Henrie II/
Robert N. Henrie II
Registration No. 60,851
Fox Rothschild LLP
2000 Market Street; Tenth Floor
Philadelphia, PA 19103-3291
Tele: (215) 299-2000
Fax: (215) 299-2150